

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

| | | |
|-----------------------------------|---|------------------------|
| James Knox, |) | |
| |) | C/A No.: 8:05-3236-MBS |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | O R D E R |
| State of South Carolina and Henry |) | |
| McMaster, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

Plaintiff James Knox, proceeding pro se, brings this action pursuant to 42 U.S.C. § 1983. Plaintiff asserts that laws recently enacted in South Carolina requiring the registration of convicted sex offenders violates the ex post facto clause of the United States Constitution.

This matter is before the court on Defendants' motion to dismiss for failure to prosecute, which motion was filed January 18, 2006. By order filed January 18, 2006, pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), Plaintiff was advised of the applicable procedures and the possible consequences if he failed to respond adequately. Plaintiff has filed no response to Defendants' motion to dismiss.

In accordance with 28 U.S.C. § 636(b), this matter was referred to United States Magistrate Judge Bruce H. Hendricks for pretrial handling. On July 21, 2006, the Magistrate Judge filed a Report and Recommendation in which she recommended that the case be dismissed pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute. Plaintiff filed no objection to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court.

Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has thoroughly reviewed the record. The court concurs in the recommendation of the Magistrate Judge that the case be dismissed with prejudice pursuant to Fed R. Civ. P. 41(b) for failure to prosecute. Therefore, Defendants' motion to dismiss (Entry 12) is **granted**.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

August 10, 2006

Columbia, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.